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UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent No.: 6,957,755
Application No.: 10/090,658
Examiner: ELKINS, Gary E **RECEIVED**
Issued: October 25, 2005 **AUG 13 2010**
Filed: March 5, 2002 **OFFICE OF PETITIONS**
For: ELECTRONIC TOLL COLLECTION
TAG HOLDER FOR A MOTORCYCLE

Box: Petitions
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 28, 2010

PETITION FOR RECONSIDERATION

Sir:

In response to the Decision dated June 1, 2010, Petitioner respectfully requests that the enclosed check in the amount of \$500 to cover 1) \$100 deficiency in payment of the surcharge set forth in 37 CFR 1.20(i)(2), and 2) \$400 petition fee as set forth in 37 CFR 1.17(f) be accepted and the previously tendered, delayed payment of the maintenance fee be accepted and the patent reinstated.

Respectfully submitted,

By: *Salvatore Maiorino*
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Reg. No. 42,830

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01 FC:1599 100.00 OP
02 FC:1462 400.00 OP

CERTIFICATE OF MAILING UNDER 37 C.F.R. '1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 29, 2010

Salvatore Maiorino

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6,957,755
Issue Date: October 25, 2005
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Filed: March 5, 2002
Attorney Docket No.: None

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ON PETITION

This is a decision in response to a petition under 37 CFR 1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent, filed January 29, 2010.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item 3 above.

Petitioner should note that the fees required for consideration of the present petition total \$2,130, for the \$490 maintenance fee and the \$1,640 surcharge. While the present petition indicates \$2,130 is enclosed, petitioner submitted a check for \$2,030 (copy enclosed), resulting in a fee deficiency of \$100. The petition does not include an authorization to charge any fee deficiencies to a deposit account. Accordingly, this petition cannot be granted at this time.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f), as well as the \$100 balance of the requisite surcharge, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

If petitioner does not wish to pursue reinstatement of this expired patent, petitioner may request a refund of the \$2,030 fees submitted with the petition. The request should be made in writing and addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.